

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6184 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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KARJAN TALUKA KELAVNI MANDAL

Versus

REGIONAL PROVIDENT FUND COMMISSIONER AND ORS.

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Appearance:

MS PAURAVI SHAH for Petitioner

MR JD AJMERA for Respondent No. 1

MR HL JANI for Respondents No. 2 and 3

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 24/10/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. Challenge has been made by the petitioner to the order annexure 'A' dated 16th March, 1993 passed by the respondent No.1 under section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952.

3. This order is appealable under section 7-I of the

said Act and as such this petition is not maintainable. The day on which this petition was filed by the petitioner before this Court it is true that the Appellate Tribunal was not constituted by the Central Government under section 7-D of the aforesaid Act but now this Tribunal has been constituted and as such this petition is not maintainable.

4. This writ petition is dismissed on the ground that the petitioner has a remedy of appeal against the order impugned in this special civil application. However, in case the petitioner prefers an appeal against the impugned order before the Tribunal within a period of one month from today the same may not be dismissed on the ground of limitation and be decided on merits. Rule discharged subject to the aforesaid direction.

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